

REMARKS

Claims 1-28 are pending in this application. Claims 1, 5, 16, 25, and 28 have been amended to more clearly define the invention without modifying the scope or the subject matter of the invention. In the Office Action ("OA")¹, the Examiner rejected claims 1-28 under 35 U.S.C. § 103(a) as being unpatentable over McLennan, Michael J., "Object-oriented Programming with [incr Tcl] Building Mega-Widgets with [incr TK]" (*McLennan*), in view of U.S. Patent No. 6,047,284 to Owens et al., (*Owens*), further in view of TK Library Procedures, "TK-configure Widget Manual Page" (*TKLib*), and further in view of Hostetter et al., "Curl: A Gentle Slope Language for the Web," (*Hostetter*).

In view of the foregoing amendments and the following remarks, Applicants respectfully traverse the Examiner's rejections of the claims under 35 U.S.C. § 103(a).

To establish a prima facie case of obviousness, three basic criteria must be met. First, the prior art reference as modified must teach or suggest all the claim elements. (See M.P.E.P. § 2143.03 (8th ed. 2001)). Second, there must be some suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings. (See M.P.E.P. § 2143 (8th ed. 2001)). Third a reasonable expectation of success must exist. Moreover, each of these requirement must "be found in the prior art, and not be based on applicant's disclosure." (M.P.E.P. § 2143.03 (8th ed. 2001)).

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Claim 1, as amended herein, provides for:

A method of processing data comprising:
defining a class which supports an option data structure having, in instances of the class, references to option values without preallocation of memory space for the full option values, the option data structure including a type description of the option values;
and

during compilation, using the type description in the option data structure to process an operation on an option value in an instance of the class.

Applicants respectfully submit that *McLennan* in view of *Owens*, further in view of *TKLib*, and further in view of *Hostetter* does not disclose or suggest this claimed combination of steps, for example, the references do not disclose or suggest at least “defining a class which supports an option data structure having, in instances of the class, references to option values without preallocation of memory space for the full option values, the option data structure including a type description of the option values; and during compilation, using the type description in the option data structure to process an operation on an option value in an instance of the class,” as recited in the amended claim 1.

With respect to claim 1, the Examiner alleged that *McLennan* in view of *Owens*, further in view of *TKLib*, and further in view of *Hostetter* discloses: “defining a class which supports an option data structure having, in instances of the class, references to option values without preallocation of memory space for the full option values, the option data structure including a type description of the option values; and during compilation, using the type description in the option data structure to process an operation on the option value” (OA pg. 5). Applicants respectfully submit that the Examiner mischaracterizes *McLennan* by stating that it discloses “defining a class which supports an option data structure having, in instances of the class, references to option

values without preallocation of memory space for the full option values, the option data structure including a type description of the option values" (OA pg. 3). The Examiner later states that "[t]he combination of *McLennan* and *Owens* does not explicitly disclose his teaching type description of the option values and during compilation, using the type description in the option data structure to process an operation on the option value" (OA pg. 4). Applicants believe that the latter statement is more accurate.

Moreover, the Examiner also admitted that *McLennan* in view of *Owens* does not disclose "during compilation, using the type description in the option data structure to process an operation on the option value." Instead, the Examiner alleged that *TKLib* in combination with *Hostetter* teaches those features.

As noted above, the Examiner admitted that *McLennan* in view of *Owens* does not disclose "during compilation, using the type description in the option data structure to process an operation on the option value." Applicants agree. Accordingly, *McLennan* in view of *Owens* does not disclose, teach, or suggest "during compilation, using the type description in the option data structure to process an operation on an option value in an instance of the class," as recited in amended claim 1.

The Examiner uses *TKLib* to allege a teaching of "type description of the option values" (OA pg. 4). Further, the Examiner uses *Hostetter* to allege a disclosure of "during compilation, using the type description in the option data structure to process an operation on the option value" (OA pg. 5), and that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of *Hostetter* into the system of *McLennan*, *Owens*, and *TKLib*, to comprise a compiler." *Hostetter*, however, makes no mention of "using the type description in the option data

structure to process an operation on an option value in an instance of the class” during compilation, as presently claimed in amended claim 1.

Applicants note that the Examiner appears to apply *Hostetter* in two different manners for the purpose of rejecting claim 1 under § 103(a). First, the Examiner asserts that *Hostetter* “teaches in a manner such as ‘during compilation, using the type description in the option data structure to process an operation on the option value’” (OA pg. 5 lines 2-3). Then, in the same paragraph, the Examiner asserts that *Hostetter* teaches a compiler, stating that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of *Hostetter* into the system of *McLennan*, *Owens* and *TKLib*, to comprise a compiler” (OA pg. 5 lines 1-2 and 13-15). Applicants respectfully disagrees with the Examiner under each of the two alternative assertions.

Hostetter discloses the design of Curl as a single, coherent linguistic basis for expression of Web content at levels ranging from simple formatting text to contemporary object-oriented programming (*Hostetter* pg. 1 lines 2-3). *Hostetter* further describes Curl as both a language and an authoring environment, using object representations similar to those of C++. Since Curl is similar to other standard object-oriented languages, *Hostetter* does not teach, suggest, or disclose “during compilation, using the type description in the option data structure to process an operation on the option value.” Therefore, assuming that the Examiner is asserting that *Hostetter* “teaches in a manner such as ‘during compilation, using the type description in the option data structure to process an operation on the option value’,” *Hostetter* fails to cure the deficiencies of *McLennan*, *Owen*, and *TKLib*, either taken separately or in combination.

Alternatively, assuming that the Examiner is asserting that *Hostetter* teaches a compiler in rejecting claim 1 under § 103, Applicants respectfully traverse the Examiner's rejection. The Examiner admitted that *McLennan* in view of *Owens* and further in view of *TKLib* does not disclose "during compilation, using the type description in the option data structure to process an operation on the option value" (OA pg. 5 lines 1-2). Applicants agree. Accordingly, *McLennan* in view of *Owens* and further in view of *TKLib* does not disclose, teach, or suggest "a compiler," as recited in amended claim 1.

Applicants respectfully disagree with the Examiner's assumption that, should *McLennan* in view of *Owens* and further in view of *TKLib* comprise a compiler, the references would teach "during compilation, using the type description in the option data structure to process an operation on an option value in an instance of the class," as recited in amended claim 1. Even, assuming *arguendo*, that *McLennan* in view of *Owens*, further in view of *TKLib*, and further in view of *Hostetter* comprises a compiler as asserted by the Examiner (Applicants disputing that notion), processing an operation on the option value based on the type description in the option data structure may not take place during compilation.

Moreover, even if the elements of claim 1 could be realized by combining *Hostetter* with *McLennan* in view of *Owens* and further in view of *TKLib* (Applicants disputing that notion), a prima facie case of obviousness cannot be established using these references. *Hostetter* is directed to a single, coherent linguistic basis for expression of Web content at levels ranging from simple formatting text to contemporary object-oriented programming. Applicants, however, submit that a skilled artisan would not have been motivated to combine the cited references as purported by the Examiner.

That instances may exist where, as *Hostetter* remarks and the Examiner cites, “one of ordinary skill in the art would have been motivated to use Curl modern object-oriented programming feature (object structure) to compile to native code and execute without the need for any sort of interpreter,” does not evidence that a skilled artisan would have been motivated or equipped to modify object-oriented methodology of *McLennan* in view of *Owens* and further in view of *TKLib* with the supposed teachings of *Hostetter*. As MPEP § 2143.01 provides, the mere fact that references can be combined is insufficient to establish a prima facie case of obviousness. The Examiner fails to provide a sufficient rationale as to why a skilled artisan would combine the cited references other than to meet the terms of Applicants’ claim. The Examiner cannot use Applicants’ disclosure to satisfy the requirements set forth in M.P.E.P. § 2143. Moreover, Applicants reminds the Examiner that there must be a reasonable expectation of success for modifying “*McLennan* in view of *Owens* and further in view of *TKLib* to include *Hostetter*’s compiler” in order to reject Applicants’ claim as obvious. For at least the above reasons, a prima facie case of obviousness cannot be established using the cited references. And for at least this reason, claim 1 is allowable.

For at least the foregoing reasons, Applicants submit that claim 1 is allowable over *McLennan* in view of *Owens*, further in view of *TKLib*, and further in view of *Hostetter*.

Because claims 13, 25, 26, and 28 are independent claims that recite language similar to that which distinguishes claim 1 from *McLennan* in view of *Owens*, further in view of *TKLib*, and further in view of *Hostetter*, Applicants submit that claims 13, 25, 26,

and 28 are allowable over *McLennan* in view of *Owens*, further in view of *TKLib*, and further in view of *Hostetter*, for at least the reasons given with respect to claim 1.

Dependent claims 2-12, 14-24, and 26 are allowable not only for the reasons stated above with regard to their respective allowable base claims, but also for their own additional features that distinguish them from *McLennan* in view of *Owens*, further in view of *TKLib*, and further in view of *Hostetter*.


In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,
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Dated: **March 30, 2005**

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